

City Council Introduction: **Monday**, November 13, 2000
Public Hearing: **Monday**, November 20, 2000, at **1:30 p.m.**

Bill No. 00R-311

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1870, STEVENS CREEK RIDGE COMMUNITY UNIT PLAN, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, for five single family dwelling units on property generally located at No. 134th and Holdrege Streets.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUESTS: County Special Permit No. 183 and Preliminary Plat No. 00025, Stevens Creek Ridge (00R-310)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/01/00
Administrative Action: 11/01/00

RECOMMENDATION: Conditional Approval (6-0: Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Krieser declaring a conflict of interest; Duvall and Hunter absent).

FINDINGS OF FACT:

1. This subdivision has split jurisdiction between the city and county. This community unit plan and the associated preliminary plat were heard at the same time before the Planning Commission, along with County Special Permit No. 183.
2. The Planning staff recommendation to approve the community unit plan, with conditions as set forth in the staff report dated October 16, 2000, is based upon the "Analysis" as set forth on p.4, concluding that this is a low density development that generally matches the character of the area and is in conformance with the existing zoning.
3. The applicant's testimony and discussion with the Commission is found on p.6.
4. There was no testimony in opposition.
5. The Commission discussion with staff regarding proximity to a potential beltway corridor is found on p.6-7.
6. On 11/01/00, the Planning Commission voted 6-0 to agree with the staff recommendation.
7. The Site Specific conditions of approval required to be completed prior to scheduling this item on the Council agenda have been submitted by the applicant and approved by the reviewing departments.
8. The associated preliminary plat will also receive hearing and action by the Lancaster County Board of Commissioners due to split jurisdiction.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 6, 2000

REVIEWED BY: _____

DATE: November 6, 2000

REFERENCE NUMBER: FS\CC\FSSP1870

LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT
COMBINED STAFF REPORT

P.A.S.#: Stevens Creek Ridge
Special Permit #1870, Community Unit Plan
County Special Permit #183, Community Unit Plan
Preliminary Plat #00025

Date: October 16, 2000

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Brian D. Carstens, on behalf of Gerry and Dianne Krieser, has applied for a Special Permit and Preliminary Plat for a 5 lot Community Unit Plan generally located at 134th Street and Holdrege Street.

Requested waivers:

1. Section 26.27.020 and 5.02 Sidewalks
2. Section 26.27.090 Street trees
3. Section 26.27.070 Street lighting
4. Section 26.27.080 Landscape screens.
5. Section 26.23.130 and 4.07 Block length

GENERAL INFORMATION:

CONTACT: Brian D. Carstens
Brian D. Carstens and Associates
2935 Pine Lake Road, Suite H
Lincoln, NE 68516
(402) 474 - 2424

DEVELOPER: Gerry A. Krieser
7540 San Mateo Lane
Lincoln, NE 68516
(402) 420-9963

OWNER: Gerry A. and Dianne Krieser
7540 San Mateo Lane
Lincoln, NE 68516
(402) 420-9963

LOCATION: N. 134th Street and Holdrege.

LEGAL DESCRIPTION: Lot 20 I. T., and the Northeast Quarter of the Southeast Quarter of Section 17, Township 10 North, Range 8 East of the 6th P. M., Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

SIZE: 115.22 acres, more or less

EXISTING LAND USE: Farming.

SURROUNDING LAND USE AND ZONING: Agriculture, zoned AG on all sides. Larson Subdivision, consisting of pre - 1979 acreages, 1/4 mile to the west. LES Transmission line on the west boundary. One single family residence abutting at the southwest corner and one single family residence to the southeast.

COMPREHENSIVE PLAN SPECIFICATIONS: IN CONFORMANCE. The 1994 Lincoln/ Lancaster County Comprehensive Plan shows this as Agricultural, clustering is permitted in the Agriculture District.

HISTORY: Changed from AA Rural and Public Use to AG Agriculture zoning in the 1979 zoning update. Sage Prairie, an AG Community Unit Plan was approved in 2000 for the land west of this request. A special permit was approved for a garden center on Holdrege Street, adjacent to the west of this request, in the spring of 2000.

SPECIFIC INFORMATION:

DESCRIPTION OF PROPERTY: The property is farm land.

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Individual waste water systems are proposed. Lagoons will be permitted if percs do not allow sub surface fields.
- B. **Water:** Cass County Rural Water is proposed.
- C. **Roads:** Holdrege Street is a paved county road. 134th is a gravel county road.
- D. **Parks and Trails:** There are no Parks or trails in the area.
- E. **Public Service:** This area is served by the Southeast Rural Fire District, the station is located at 84th and Holdrege, approximately 2 ½ miles west. This is in the Norris Public Power District.
- F. **Schools:** This is in the Waverly Public School District.

ENVIRONMENTAL CONCERNS: There are no historic resources identified in this parcel. There are two farm ponds with associated wetlands on Outlot 'A'. There is no FEMA 100 year flood plain. The soil rating is 4.2 on a range of 1 to 10 where 1 to 4 are prime agriculture land. This is very good but not prime ag land. The "cluster" is locating the lots on the lower value land of 5 or more and is preserving the prime land of 4 or better for farming purposes.

REGIONAL ISSUES: City growth and development of Stevens Creek. The East Middle beltway corridor option goes along the west edge of this site. The Stevens Creek Basin Planning Initiative Study is currently underway.

ALTERNATIVE USES: Agriculture and five dwelling units on twenty acre parcels.

ANALYSIS:

1. This is a request for a Preliminary Plat and Community Unit Plan for 5 single family, acreage size, residential lots. The applicant is proposing a private, paved, internal street, Cass County rural water

service, individual waste disposal and three outlots, one for the road, one for future access to the existing residence and one for continued farming. No bonus is being requested.

2. Public Works memo of October 11th notes that all corrections have been made in a satisfactory manner.
3. The applicant is requesting waiver of sidewalks, street trees, street lights, landscape screens and block length. These requests are reasonable as this reflects the rural nature of the area, has lots over one acre in size and will not be annexed at this time, and complies with all considerations of section 26.27.
4. The applicant is requesting a modification of block length along the north and west boundary of the application. This reflects the retention of farm land and the LES line and beltway corridor to the west.
5. The County Engineer letter of October 11th notes no objections.
6. This is adjacent to the east of the EM-1 beltway corridor. No agency has declared a corridor protection zone or moratorium for development in the beltway corridor. Though this is an important element for consideration, it does not, by itself, merit denial or deferral. The proposed lots are 480' or more from the possible corridor location identified to this point. The applicant has shown the potential location of the beltway west of this application. Out lot "C" provides for access to the existing dwelling if the beltway is constructed and if an overpass is constructed on Holdrege at this location.
7. This is in split jurisdiction of the City and County and will require approval by both.

CONCLUSION:

This is a low density development that generally matches the character of the area and is in conformance with the zoning.

STAFF RECOMMENDATION:

County Special Permit #183	Approval with conditions
Special Permit #1870	Approval with conditions.
Preliminary Plat #00025	Approval with conditions

SPECIAL PERMIT #1870

Approval with the following conditions.

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 A revised site plan to show utility easements in the rear lot lines.

General:

2. This approval permits a total of 5 single family lots.
3. Before receiving building permits:
 - 3.1 The permittee shall submit a permanent reproducible final site plan as approved with three copies.
 - 3.2 The final plat(s) is/are approved by the County Board.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this development all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the permittee, its successors and assigns
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:

Michael DeKalb, AICP
Planning Department

**COUNTY SPECIAL PERMIT NO. 183
AND CITY SPECIAL PERMIT NO. 1870,
STEVENS CREEK RIDGE COMMUNITY UNIT PLAN
and
PRELIMINARY PLAT NO. 00025,
STEVENS CREEK RIDGE**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 1, 2000

Members present: Carlson, Schwinn, Taylor, Steward, Newman and Bayer; Krieser declaring a conflict of interest; Duvall and Hunter absent.

Planning staff recommendation: Conditional approval.

This project was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Steward.

Proponents

1. Brian Carstens appeared on behalf of the applicants to answer questions.

Steward inquired whether there is an intent for the outlots to also be of 3-acre size. Carstens responded, "no", ...we did not ask for the 20% bonus so we did not lock it up into the 99 year conservation easement. The Commission turned down the 20% bonus on the property on the other side previously. Carstens clarified that the plan was developed with the anticipation of potential future urbanization. We did show a potential street to extend to the north in the future and could provide access, if necessary, due to the beltway location in the future. The outlot for the street is 60' wide for a typical residential subdivision street. The outlot would remain nonbuildable until such time as the zoning is changed or there is annexation.

Steward stated that the street configuration and location of the pond has him confused about the intended use of the remainder of the property. Carstens indicated they have no future plans at this point.

There was no testimony in opposition.

Staff questions

Steward believes this is the first application he has seen with the site drawn with relative proximity to the proposed beltway locations; he does not believe we have made a habit of relating these two quite so explicitly; and this is adjacent to one of the potential beltway sites. He believes it raises the question as to whether we should be deferring these developments until the beltway decision is made. He knows that we do not have such a policy but he is interested in staff comment. How

many applications are we going to have before us that lock us out of flexibility once the beltway decision is made? Mike DeKalb of Planning staff advised that this is the third project that actually abuts one of the beltway corridors. The community unit plan for Crooked Creek abutted on each side; Pam Manske's development immediately to the west of this proposal abuts one of the corridors. DeKalb concurred that it is a point of consideration, but the staff report points out that there is no prohibition in the potential corridors at this time. Staff believes that the beltway is accommodated in both this application and the Manske application immediately adjacent. He believes it is designed appropriately to accommodate the future location of the beltway.

Schwinn recalled that there was some buffer distance being required by the Federal Highway Administration with regard to noise contours, something like 600' from the right-of-way. Dennis Bartels of Public Works knows there are concerns along I-80 but he is not sure there are any legislated requirements at this point in time.

Response by the Applicant

Carstens pointed out that this project is probably 450'-500' from that corridor edge.

Public hearing was closed.

COUNTY SPECIAL PERMIT NO. 183

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Schwinn moved approval, with conditions, as set forth in the staff report, seconded by Bayer. Schwinn commented that this is something that Commissioner Steward has been concerned with for a long time with regard to acreages in the area of the beltway. He had the fortunate experience of sitting through a meeting with DeKalb where he showed existing acreages that were in the city which have been engulfed and become part of the city. As a result, he is less concerned about them. He appreciates that the applicant has made plans for it to be urbanized in the future.

Steward commented that he has tried to be consistent on the conversion of AG uses to acreage developments, and he realizes that that consistency is somewhat outside the scope of our current Comprehensive Plan, but he is also aware that we seem to be making some headway toward getting county zoning strategies for acreage development so that they can be in more expected and designated areas. The beltway further complicates this particular location, in his opinion, and he would have liked to have reviewed this project after the beltway corridor decision is made, but we do not have a policy of holding the development rights hostage. It's just that we seem to continuously be stumbling over piecemeal strategy when we might have some opportunity for more comprehensive approaches. He apologizes to his colleague Krieser because he is personally involved in this development, but to be consistent Steward felt this discussion needed to take place.

Motion for conditional approval carried 5-1: Carlson, Schwinn, Taylor, Newman and Bayer voting 'yes'; Steward voting 'no'; Krieser declaring a conflict of interest; Duvall and Hunter absent.

SPECIAL PERMIT NO. 1870

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Schwinn moved approval, with conditions, as set forth in the staff report, seconded by Bayer and carried 6-0: Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Krieser declaring a conflict of interest; Duvall and Hunter absent.

PRELIMINARY PLAT NO. 00025

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Schwinn moved approval, with conditions, as set forth in the staff report, seconded by Bayer and carried 6-0: Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Krieser declaring a conflict of interest; Duvall and Hunter absent.